

REMARKS

The allowance of claims 1-14, 16-18, 20-24, 30, 32-36 and 38-45 is acknowledged with appreciation.

Independent claim 30 has been amended in an effort to address the Examiner's concerns over whether or not the specification provides support for a certain feature of the claimed invention. The language of claim 30 is amended so that it is clear that there is no substantial addition of both bitumen and aggregate. Support for such limitation is found in paragraph [0024] of and elsewhere by implication in the published specification.

§112, first paragraph, rejection of claims 30, 32-36, and 44

The Examiner states that the language "without the substantial addition of bitumen or aggregate, or both" is not supported by the specification. The Applicant, however, respectfully suggest that the specification does support such a limitation to the claim. Implied throughout the specification is that the sulfur pellets are principally made up of the H₂S suppressant and elemental sulfur. And, in paragraph [0024], it is stated that the sulfur pellet may comprise up to 100 wt % elemental sulfur, based on the total weight of the pellet. Thus, it is respectfully submitted that there is support for the aforesubmitted limitation.

§112, second paragraph, rejection of claims 38-43 and 45

In regard to the Examiner's comment that a summation of the values at the extreme ends of the recited ranges for the two main components of the claimed sulfur pellet leaves an amount of 15% of other material is considered to be a substantial amount. It should be recognized, however, that the phrase "consisting essentially of" does not exclude all materials other than the recited components. It excludes those additional components that materially affect the basic and novel characteristics of the composition. Therefore, it is submitted that the claimed sulfur pellet may include up to 15% additional components provided they do not materially affect the basic and novel characteristics of the composition. Moreover, the limitation requires the elemental sulfur to be present "in an amount of at least about 75 wt%", which includes all amounts up to

100%, and, thus, all cases in which the amounts of the additional components other than the elemental sulfur and H₂S suppressant that are not material.

Conclusion

In view of the amendment to claim 30 and the above comments, it is submitted that the remaining claims 30, 32-36, 38-45 are allowable. Thus, withdrawal of the rejections and allowance of the remaining claims are respectfully requested.

Respectfully submitted,

DEME IMANTS

By Charles W. Stewart

Their Attorney, Charles W. Stewart
Registration No. 34,023
(713) 241-0360

P. O. Box 2463
Houston, Texas 77252-2463